

April 9, 1980

LB 694

SENATOR KOCH: Mr. Chairman, I move for the adoption of the amendment.

SENATOR CLARK: The question before the House is the adoption of the Koch amendment. All those in favor vote aye. All those opposed vote nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Koch amendment.

SENATOR CLARK: The motion carried. The amendment is adopted. What else have you got?

CLERK: Mr. President, Senator moves to amend. (Read the Murphy amendment to LB 694 as found on page 1768 of the Legislative Journal.)

SENATOR CLARK: Senator Murphy.

SENATOR MURPHY: Pat, do I have a second motion there?

CLERK: Well, Senator, no...I've got a reference on the bottom that says, (page 2, line 25), (page 11, lines 12 and 13).

SENATOR MURPHY: All right, I am not sure of the one and two, but the intent of the amendment, in committee, an attorney from Omaha asked that the spouses share under an augmented estate, and if you want to have fun watch a plumber play attorney. But the augmented estate concept is one that says, the spouse may come back for up to a period of two years, if I have created a will, and can set aside whatever my provisions of that estate were and take as is currently provided one-third of whatever the estate amounts to, and the balance to be distributed per stirpes, or whatever. But the problem that arises is that if I make distribution of my estate to, let's say, a couple of my sons and possibly a wife who should have been thrown out on her ear, but being a good Catholic boy I am not divorced, she is still my wife, she can come back and take up that estate, right now thirty percent. This bill would say fifty percent. I don't think that is possible. I guess I would ask Senator Beutler or one of the other learned attorneys if I die intestate, what is the spouses's share as relates to the rest of the family?

SENATOR CLARK: Senator Beutler, do you care to answer? Free legal advice.

SENATOR BEUTLER: In the general situation where there are